

CONVEYANCE OF CERTAIN FOREST SERVICE LAND IN THE LAKE TAHOE BASIN

SEPTEMBER 22, 2000.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

Mr. YOUNG of Alaska, from the Committee on Resources,
submitted the following

REPORT

together with

DISSENTING VIEWS

[To accompany H.R. 4656]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 4656) to authorize the Forest Service to convey certain lands in the Lake Tahoe Basin to the Washoe County School District for use as an elementary school site, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 4656 is to authorize the Forest Service to convey certain lands in the Lake Tahoe Basin to the Washoe County District for use as an elementary school site.

BACKGROUND AND NEED FOR LEGISLATION

The Incline Village Elementary School in Washoe County, Nevada, was constructed in 1964. The school site is approximately 6.4 acres in size, which is much smaller than the 10 acres normally needed for an elementary school. The small size of the current site limits outdoor playgrounds, parking areas, and snow removal storage. Incline Elementary has a maximum capacity of 708 students. The 1999–2000 school year enrollment was 671 students. Unlike all of the other elementary schools in the District, Incline Elementary has only grades K–5. The sixth grade was moved to the middle

school because of the lack of room at the elementary school. To meet the increasing student population, a modular school addition was built in 1994, and the school's capacity has been augmented by the addition of a two classroom "portable" unit. Every available space is being used for classrooms or teacher preparation areas. There is no further room for expansion. Additionally, there is no feasible way to re-zone the children to other schools in the County.

The Board of Trustees of the Washoe County School District created a committee comprised of school officials and other interested community members to review the problem of school overcrowding and to recommend a solution. After considerable research, a site was chosen to construct a "satellite school" to operate in conjunction with the existing elementary school. The site is located on U.S. Forest Service land in the Lake Tahoe Basin Management Unit. The Washoe County School District has been working closely with the U.S. Forest Service, as well as regional interest groups (including the League to Save Lake Tahoe), on this matter. All parties involved support the land purchase and agree that the funds from the purchase are to be reserved for acquiring further sensitive lands at Lake Tahoe. Furthermore, the School District and the Forest Service have agreed to the sale of the land at fair market value for limited use.

Additionally, the land under consideration was originally acquired by the federal government under the Santini-Burton acquisition program as being environmentally sensitive because a small portion is a stream environment zone. However, the School District has determined that the small portion of the site that is classified as sensitive land can be protected, and the protected elements can be incorporated into existing environmental education programs to instruct students on the importance of stream environment zones to protect the environment and water quality of Lake Tahoe. The Forest Service determined that, since the land was purchased under the Santini-Burton acquisition program, it lacks the authority to allow the use of the parcel for other than water quality or recreation purposes (as defined by the Santini-Burton Act) without express authorization from Congress. Therefore, authorizing legislation needs to be passed by Congress for this conveyance to occur.

COMMITTEE ACTION

H.R. 4656 was introduced on June 14, 2000, by Congressman Jim Gibbons (R-NV). The bill was referred to the Committee on Resources and within the Committee to the Subcommittee on Forests and Forest Health. Senate companion legislation (S. 2728) was also introduced on June 14, 2000, by Senator Richard Byran (D-NV). On July 25, 2000, the Subcommittee held a hearing on the bill. On September 13, 2000, the Full Resources Committee met to consider the bill. The Subcommittee on Forests and Forest Health was discharged by unanimous consent from further consideration of the bill. Congressman Adam Smith (WA) offered an amendment to allow the Secretary to determine fair market value of the site; the amendment failed by voice vote. No further amendments were offered and the bill was ordered favorably reported to the House of Representatives by voice vote.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 and Article IV, section 3 of the Constitution of the United States grant Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of the that Rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of Rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, credit authority, or an increase or decrease in tax expenditures. According to the Congressional Budget Office, enactment of this bill would affect direct spending (including offsetting receipts), but that "any such effects would total less than \$500,000 each year."

3. Government Reform Oversight Findings. Under clause 3(c)(4) of Rule XIII of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform on this bill.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 20, 2000.

Hon. DON YOUNG,
Chairman, Committee on Resources,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4656, a bill to authorize the Forest Service to convey certain lands in the Lake Tahoe basin to the Washoe County School District for use as an elementary school site.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Megan Carrol.

Sincerely,

BARRY B. ANDERSON,
(For Dan L. Crippen, Director).

Enclosure.

H.R. 4656—A bill to authorize the Forest Service to convey certain lands in the Lake Tahoe basin to the Washoe County School District for use as an elementary school site

CBO estimates that enacting H.R. 4656 would have no significant impact on the federal budget. Because the bill would affect direct spending (including offsetting receipts), pay-as-you-go procedures would apply, but we estimate that any such effects would total less than \$500,000 each year.

H.R. 4656 would authorize the Secretary of Agriculture to convey to the Washoe County School District in Nevada about 8.7 acres of federal land located within the Lake Tahoe basin and administered by the Forest Service. The district would pay fair market value for the land, subject to the restriction that the land could be used only as the site of an elementary school facility and would revert back to the federal government if used for any other purpose. H.R. 4656 would authorize the Secretary to retain and spend, without further appropriation, proceeds from the sale to acquire environmentally sensitive land in the Lake Tahoe basin.

Under current law, the agency has no plans to sell the land, which presently generates no significant receipts and is not expected to do so over the next 10 years. Based on information from the agency, we estimate that, under H.R. 4656, the land would be conveyed in 2001 in exchange for a cash payment of less than \$500,000, and that those receipts would be spent during 2002.

H.R. 4656 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act. This purchase would be voluntary on the part of the Washoe County School District, and any costs the district would incur as a result also would be voluntary. The bill would have no significant impact on the budgets of other state, local, or tribal governments.

The CBO staff contact is Megan Carroll. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

DISSENTING VIEWS

H.R. 4656 directs the Forest Service to convey 8.7 acres of Tahoe National Forest land to the Washoe County School District in Incline Village, Nevada. According to the Forest Service, the land is valued at between \$2–4 million, but deed restrictions and a reversionary clause set forth in the bill may reduce the value by 75%. While this bill would result in a windfall for Washoe County, the public interest is harmed when artificially low values for national forest land result in fewer dollars for the Forest Service to acquire comparable lands.

The land to be conveyed was originally acquired for \$500,000 by the Forest Service in 1981, as environmentally sensitive property under the Santini-Burton Act (“the Act”). As is the case with other property in the popular Lake Tahoe area, this land has appreciated considerably in the last twenty years. To dispose of this land at what amounts to less than actual fair market value fails to provide a fair return to the taxpayers for their investment. It also undercuts the Santini-Burton Act’s goals of protecting environmentally sensitive land around Lake Tahoe. Because of the inflated land prices in the Lake Tahoe area, \$500,000 in 2000 would not be close to sufficient to purchase land comparable to what could be purchased for \$500,000 in 1981.

This bill further undermines the intent of the Santini-Burton Act which requires that if transfers of land are made to local governments, deed restrictions must protect the environmental quality and public recreational purposes of the land. Legislation is needed in this instance to override the Act’s safeguards. Unlike other sites conveyed for less than fair market value with reversionary clauses, this land was not public domain or surplus land. Rather, this land was specifically purchased for its value in protecting and enhancing the natural resources of the Lake Tahoe basin. By rejecting the amendment that would have allowed the Forest Service to obtain full value for the land, the Majority has not only deprived the public of a fair return for its tax dollars, but also has not offset the loss of this environmentally significant property with sufficient funds to purchase comparable lands.

GEORGE MILLER.
ADAM SMITH.

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